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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CARL A. COMBS
xxx-xx-3662

Plaintiff,

v.

MICHAEL J. ASTRUE
Commissioner of Social Security
of the United States of America,

Defendant.

Case No.

**COMPLAINT FOR JUDICIAL
REVIEW OF DECISION OF
COMMISSIONER OF SOCIAL
SECURITY**

Preliminary Statement

1. Plaintiff Carl A. Combs, brings this action under the Social Security Act, 42 U.S.C. §§ 1383 (c)(3) and 405(g), for judicial review of a final decision of defendant Michael J. Astrue, Commissioner of Social Security, denying for lack of disability Mr. Combs's claim for Social Security and Supplemental Security Income Disability benefits under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 401 *et seq.* and §§ 1381 *et seq.*

Jurisdiction and Venue

2. Jurisdiction is conferred on this court by 42 U.S.C. §§ 1383 (c)(3) and 405(g).
3. Plaintiff Carl A. Combs San Leandro, CA, Alameda County which is located in the Northern District of California, and thus venue in this district is proper.

Parties

4. Plaintiff Carl A. Combs, is an applicant for Social Security disability benefits. He is low

1 income with few resources. His Social Security number is xxx-xx-3662.

2 5. Defendant Michael J. Astrue is the duly appointed Commissioner of Social Security for
3 the United States of America and is sued in her official capacity.

4 **Factual Allegations**

5 6. Mr. Combs applied for Social Security Disability Insurance benefits which defendant's
6 denied on the basis that Mr. Combs lacked the requisite disability. Mr. Combs formally requested a
7 hearing on the denials but the ALJ issued a decision denying Mr. Combs's Social Security Disability
8 benefits. Mr. Combs requested review by the Appeals Council and on January 30, 2008 the Appeals
9 Council denied review.

10 **Claim for Relief**

11 7. There is substantial evidence in the record to support a finding that Mr. Combs was
12 disabled at all relevant times and that Defendant's conclusions and findings are not supported by
13 substantial evidence.

14 **Prayer for Relief**

15 WHEREFOR, plaintiff Carl A. Combs , prays that this Court:

16 1. Reverse defendant's decision insofar as it denies, on the grounds of lack of disability or
17 failure of proof thereof, Social Security Disability benefits to Mr. Combs;

18 2. Find and order that plaintiff was and is disabled within the meaning of the Social Security
19 Act and regulations. Or, in the alternative remand Mr. Combs's case to the Social Security
20 Administration for further hearing

21 3. Award plaintiff his attorneys' fees and costs of suit pursuant to 5 U.S.C. § 504, 28 U.S.C.
22 § 2412 and Rule 54(d) of the Federal Rules of Civil Procedure, and grant such other and further relief
23 as the court deems just and proper.

24 Dated: March 28, 2008

Respectfully submitted,

25 LAW OFFICE OF
26 BESS M. BREWER & ASSOCIATES

27 By: _____
28 BESS M. BREWER
Attorneys for Plaintiff